

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HOWARD DELACRUZ-BANCROFT,

Plaintiff,

Case No. 1:23-cv-00023 JB/KK

v.

FIELD NATION LLC, SPARTAN COMPUTER
SERVICES/NATIONAL SERVICE CENTER
AKA SCS/NSC AKA NEW BOLD, JACK IN THE BOX INC.,

Defendants.

**PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE AND REQUEST FOR
ADDITIONAL TIME TO RESPOND TO DEFENDANT'S MOTIONS TO
DISMISS AND MOTION TO COMPEL ARBITRATION**

1. Plaintiff (Pro-Se) works in Santa Fe during the legislation session and misunderstood there was no proper response to Defendant's above captioned motions. Plaintiff asserts that he was unaware that items #15 & #16 were removed from the Court record as they contain valuable substantive information related to this instant matter.

2. The Plaintiff also cannot see his Motion for Default Judgment Against the Plaintiff's believed to be filed on March 24th 2023 electronically. The Plaintiff maintains a physical copy in his records.

3. The Plaintiff wrongly believe his missing items could have been considered as “estoppel” to future actions by the Defendant's desire to circumvent, side-step and avoid proper inspection, review and consideration by this Court and only assert technical issues to obfuscate the issues.

4. The Plaintiff believes that his pleadings included all the removed and missing documents by the Court could have covered these matters addressed by subsequent pleadings of the Defendant's to include the later Motion to Compel Arbitration and Motion to Dismiss Plaintiff's Complaint.

5. Plaintiff addressed Fieldnation's issue of arbitration in his initial complaint by outlining phone calls and emails to Fieldnation. The first being on November 14, 2018 when Fieldnation initiated "Marketplace Turned Off". Fieldnation stated they are investigating a possible Level 1 policy violation but never sent any results of their investigation. Many phone calls were made over the years but each time Plaintiff was instructed that there was nothing that could be done to change the situation.

6. On November 11, 2022 the Plaintiff instructed Fieldnation via email from comvetrix@gmail.com to system@fieldnation.com that all administrative remedies had been exhausted and a request for the Registered Agent for Fieldnation corporate was needed. There was no subsequent response to that email an earlier email only stated an encouragement to review the Dispute Process article which was not adequate and did not address any compelled arbitration.

7. Plaintiff also states that Item #24 filed April 11, 2023 Request to Update Federal Docketing Statement with Pleadings from State District Court to Include Plaintiff's **Response** to Defendant Spartan Computer Services/National Service Center SCS/NCS AKA New Bold's **Motion to Dismiss** was denied.

8. However, the issue of Plaintiff's response to the Motions to Dismiss was not addressed and would still stand as a proper response as Plaintiff was told over the phone as a matter of procedure not merits that an automatic hold would be placed on all federal proceedings until the objections were heard regarding Plaintiff's objection to federal jurisdiction and Defendant's had to be later issued a Order to Cure because of their failure to state a claim for removal.

9. The Plaintiff notes that the Defendant Fieldnation's Motion to Compel Arbitration and to Dismiss were filed March 24, 2023 and nearly a year has transpired from that time with no movement from this or any other Defendant.

10. Plaintiff who acts Pro-Se is unfamiliar with federal court, did not realize that actions should and/or could have been taken by himself or the Defendant's during this lengthy time period.

11. Plaintiff acting Pro-Se acknowledges that a written response to the Order to Show Cause as due by Friday, February 2nd, 2024 but inadvertently missed the deadline because of required legislative duties in Santa Fe while in session.

12. Plaintiff acting Pro-Se respectfully requests this Court for an additional 15 days and/or after the date the 2024 New Mexico legislative sessions ends which is on February 16, 2024 to respond to the Order to Show Cause, and file responses to Defendant's motion.

13. Plaintiff acting Pro-Se realizes that based on the issues raised by Defendants, he need time to acquire an attorney who is versed in federal practice and familiar with the technical issue that have been presented by the parties.

14. It would not be prejudicial at this point to allow this additional time.

Respectfully Submitted,

By: /s/Howard DeLaCruz-Bancroft
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Plaintiff, In Propria Persona

I hereby certify that a true and accurate copy of the foregoing was electronically filed on February, 5, 2024 with this Court and served to the defendants via the EM/ECF system.